



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,645	04/15/2004	Chad Vos	1160215/0431069	8422

26874 7590 01/15/2008
FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
----------	--------------

2614

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/15/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dbell@fbtlaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/825,645	VOS ET AL.	
	Examiner	Art Unit	
	Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Amendment, filed 10-16-07, with respect to the rejection(s) of claim(s) 17-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see the rejection(s) below.
2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 11 and 12 recite the limitation "the first response". There is insufficient antecedent basis for this limitation in these claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-12, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,167,255 by Kennedy III et al, hereinafter Kennedy.

Regarding claim 1, Kennedy discloses a system (Fig. 1; Fig. 5) for processing user inquiries (col. 3, line 59 – col. 4, line 5), the system comprising:

Art Unit: 2614

a global knowledge database (Fig. 1: 98; Fig. 5: 360, 362) including a plurality of responses corresponding to a plurality of user inquiries (col. 13, lines 9-27; col. 22, lines 35-63);

a first response system (Fig. 5: 354, 356) in communication with the global knowledge database, the first response system configured to provide a first response to a first user inquiry using a response included in the global knowledge database, the first response system being of a first type of response system (i.e. live-agent response system) (col. 12, lines 13-22; col. 16, lines 55-58; col. 17, lines 21-28; col. 28, lines 3-19);

a second response system (Fig. 5, 358) in communication with the global knowledge database (Fig. 1: 98; Fig. 5: 360, 362), the first response system configured to provide a second response to a second user inquiry using a response included in the global knowledge database, the second response system being of a second type of response system (i.e. automated response system) (col. 12, lines 13-22; col. 16, lines 52-55; col. 17, lines 21-28; col. 22, lines 24-34; col. 28, lines 3-19); and

an analysis database (Fig. 1, 84) configured to store indications of responses provided by the first response system and the second response system (col. 5, lines 22-39); and

a report generator (Fig. 1, 84) configured to generate a report using the stored indications of the response provided by the first response system and the second response system (col. 5, lines 22-39).

Regarding claim 2, see col. 12, lines 13-22; col. 16, lines 55-58; col. 17, lines 21-28; col. 28, lines 3-19.

Regarding claim 3, see col. 12, lines 13-22; col. 16, lines 55-58; col. 17, lines 21-28; col. 28, lines 3-19; Fig. 5, 354.

Art Unit: 2614

Regarding claim 4, see col. 16, lines 52-55; col. 17, lines 21-28; col. 22, lines 24-34; col. 28, lines 3-19.

Regarding claim 5, see col. 8, lines 48-62; col. 11, lines 30-50; col. 12, lines 1-35; Fig. 1, 122.

Regarding claim 6, see col. 12, lines 13-22; col. 16, lines 55-58; col. 17, lines 21-28; col. 28, lines 3-19.

Regarding claim 7, see col. 17, lines 21-28; col. 22, lines 24-34; col. 28, lines 3-19.

Regarding claim 8, see col. 13, lines 9-28; col. 22, lines 24-63.

Regarding claim 9, see col. 17, lines 21-28; col. 22, lines 24-63.

Regarding claim 10, see col. 12, lines 13-22; col. 16, lines 52-58; col. 17, lines 21-28; col. 22, lines 24-34; col. 28, lines 3-19.

Regarding claim 11, see col. 5, lines 22-39.

Regarding claim 12, see col. 5, lines 22-39.

Regarding claim 17, Kennedy discloses a system (Fig. 1; Fig. 5) for processing user inquiries (col. 3, line 59 – col. 4, line 5), the system comprising: a first response system (Fig. 5: 354, 356) configured to provide a first response to a first user inquiry, the first response system being of a first type of response system (i.e. live-agent response system) (col. 12, lines 13-22; col. 16, lines 55-58; col. 17, lines 21-28; col. 28, lines 3-19); a second response system (Fig. 5, 358) configured to provide a second response to a second user inquiry, the second response system being of a second type of response system (i.e. automated response system) (col. 12, lines 13-22; col. 16, lines 52-55; col. 17, lines 21-28; col. 22, lines 24-34; col. 28, lines 3-19); a global knowledge database (Fig. 1: 98; Fig. 5: 360, 362) configured to

Art Unit: 2614

communicate with the first response system and the second response system (col. 13, lines 9-27; col. 22, lines 24-63);

an analysis database (Fig. 1, 84) configured to store indications of responses provided by the first response system and the second response system (col. 5, lines 22-39); and

a report generator (Fig. 1, 84) configured to generate a report using the stored indications of the response provided by the first response system and the second response system (col. 5, lines 22-39).

Regarding claim 18, the system of claim 17, wherein Kennedy discloses the second response system comprises an automated response system (Fig. 5, 358) operable to communicate with the global knowledge database (Fig. 1, 198; Fig. 5: 362, 124, 360) independent of the first response system (Fig. 5: 354, 356), and wherein the first response system comprises a live agent response system (col. 22, lines 24-63).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. Appl.

Publ. No. 2004/0088167 by Sartini.

Regarding claim 13, Sartini discloses a method for managing user inquiries (section 0034-0037), the method comprising:

Art Unit: 2614

receiving an inquiry from a user (section 0034-0037);
retrieving a response to the user inquiry from a global knowledge system (Fig. 1, 130; section 0036-0037);
providing the response to the user with a response system (Fig. 1, 100);
storing an indication of the response in an analysis database (section 0039-0040);
storing an indication of the response system in the analysis database (Fig. 1: 150; section 0039-0040); and generating a report using the indication of the response and the indication of the response system (section 0040-0041); wherein said report comprises an illustration of responses organized into a plurality of categories, and wherein selection of a category of responses from said plurality of categories causes a display of linked additional data (section 0041-0046).

Regarding claim 14, see section 0041-0046.

Regarding claim 15, see section 0041-0046.

Regarding claim 16, see section 0039-0040.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 17 above, and further in view of Sartini.

Regarding claim 19, the system of claim 18, wherein Kennedy does not disclose the report comprises an overlaid contact graph.

Sartini discloses a system (Fig. 1, 10) for processing user inquiries (section 0034-0037), the system comprising:

a global knowledge database (Fig. 1, 130) including a plurality of responses corresponding to a plurality of user inquiries (section 0036-0037);

a second response system (Fig. 1, 100) in communication with the global knowledge database, the second response system configured to provide a second response to a second user inquiry using a response included in the global knowledge database (Fig. 1, 130), the second response system being of a second type of response system (i.e. automated response system) (section 0034-0037);

an analysis database (Fig. 1: 150) configured to store indications of responses provided by the second response system (section 0039-0040); and

a report generator (Fig. 1, 230) configured to generate a report using the stored indications of the response provided by the second response system (section 0040-0041).

Sartini discloses the report comprises an overlaid contact graph, and wherein said overlaid contact graph comprises a plurality of shapes, and wherein the dimensions of the plurality of shapes are determined by data retrieved from the analysis database (section 0041-00463).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kennedy to include an overlaid contact graph as taught by Sartini. One of ordinary skill in the art would have been lead to make such a modification to visually show related data and information regarding the user inquiries in order for a user to

Art Unit: 2614

analyze the responses received from the response system and to address problems that arise from the response system.

Regarding claim 20, the system of claim 19, wherein Sartini discloses said report comprises an illustration of responses organized into a plurality of categories, and wherein selection of a category of responses from said plurality of categories causes a display of linked additional data (section 0044; 0053).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

12. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

Art Unit: 2614


relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

January 7, 2008


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600